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*Via ECFS*

Marlene H. Dortch, Secretary  
Attn: WTB/ASAD  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

***Re: Mobility Fund Phase I Auction  
AU Docket No. 12-25  
COMMENTS ON PROPOSED LIST OF CENSUS BLOCKS ELIGIBLE FOR  
BIDDING***

Dear Ms. Dortch:

On behalf of Nucla-Naturita Telephone Company ("Nucla-Naturita") and its subsidiary NNTC Wireless, LLC ("NNTC"), and pursuant to the Commission's February 16, 2012 Public Notice (DA 12-236), we hereby submit these comments on the census blocks to be made eligible for bidding in the Mobility Fund Phase I Auction (Auction No. 901). In particular, NNTC challenges the eligibility for auction of the census blocks shown in Attachment A hereto (including portions of Montrose County and portions of San Miguel County in the State of Colorado). As demonstrated herein, NNTC has constructed and is operating a CDMA EV-DO network in its partitioned service area and it offers 3G service to many of the census blocks in Attachment A. Accordingly, NNTC respectfully requests that the Commission remove the census blocks shown in Attachment A from the list of areas eligible for bidding in Auction No. 901.

Nucla-Naturita is the Broadband PCS E-Block licensee for portions of the Grand Junction, Colorado Basic Trading Area (BTA168), licensed under Call Sign WQEB687 (within the western half of Montrose County, Colorado) and licensed under Call Sign WQEB688 (an irregular shaped area within San Miguel County, Colorado). NNTC leases this PCS spectrum from its parent company and it offers CDMA EV-DO service throughout its operating territory. The Commission has recognized EV-DO as one of the air-interface technologies that is capable

of supporting 3G service for purposes of Mobility Fund support.<sup>1</sup> As indicated in the Statement of NNTC's President, Mr. Mark Tomlinson (Attachment B hereto), NNTC is currently providing 3G service throughout the areas that are shown in green on the attached signal propagation map (Attachment C). Moreover, NNTC's implementation of EV-DO supports data speeds of approximately 1 Mbps upstream and downstream. This is well above the minimum 3G speeds of 200 kbps downstream and 50 kbps upstream specified at paragraph 361 of the *Order*. Therefore, where NNTC implements its EV-DO service, such areas should not be eligible for Auction 901, since they will already be receiving 3G service.

As indicated in the attached March 15, 2012, Engineering Statement of Larry Thompson, PE (Vantage Point Solutions) (Attachment D hereto), 3G wireless coverage provided by NNTC includes substantially all of the western half of Montrose County and significant portions of San Miguel County. More importantly, Mr. Thompson includes in his study a list of census blocks in Montrose and San Miguel Counties that are served, in whole or in significant part within NNTC's EV-DO service footprint. This list coincides with the list of census blocks that NNTC is challenging for auction eligibility in this proceeding. Copies of recent NNTC print advertisements (Attachment E hereto) establish that NNTC has been marketing a variety of 3G products and services to the public.

Based on the attached showings, NNTC is providing 3G service to all or a significant portion of the census blocks identified in Attachment A. NNTC has provided herein proof that its 3G service is providing data speeds in excess of the speeds required by the *Order*; and evidence that its 3G footprint covers the census blocks challenged in these comments. Accordingly, the Commission should remove the census blocks described in Attachment A from the list of census blocks eligible for bidding in Auction No. 901.

Please direct any questions or correspondence concerning the above matter to the undersigned counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cary Mitchell', with a stylized, cursive script.

Cary Mitchell  
Counsel for NNTC Wireless, LLC

#### Attachments

cc: Lisa Stover, Auctions and Special Access Division, WTB, FCC  
Sayuri Rajapakse, Auctions and Special Access Division, WTB, FCC  
Alex Minard, Telecommunications Access Policy Division, WCB, FCC

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<sup>1</sup> *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link Up; Universal Service Reform – Mobility Fund*; Report and Order and Further Notice of Proposed Rulemaking, WC Dockets No. 10-90, 07-135, 05-337, 03-109; CC Dockets No. 01-92, 96-45; GN Docket No. 09-51; WT Docket No. 10-208, released November 18, 2011 (the "*Order*"), at paras. 333, 334, and 358.

## Attachment A

**Montrose Co.**

[illegible]

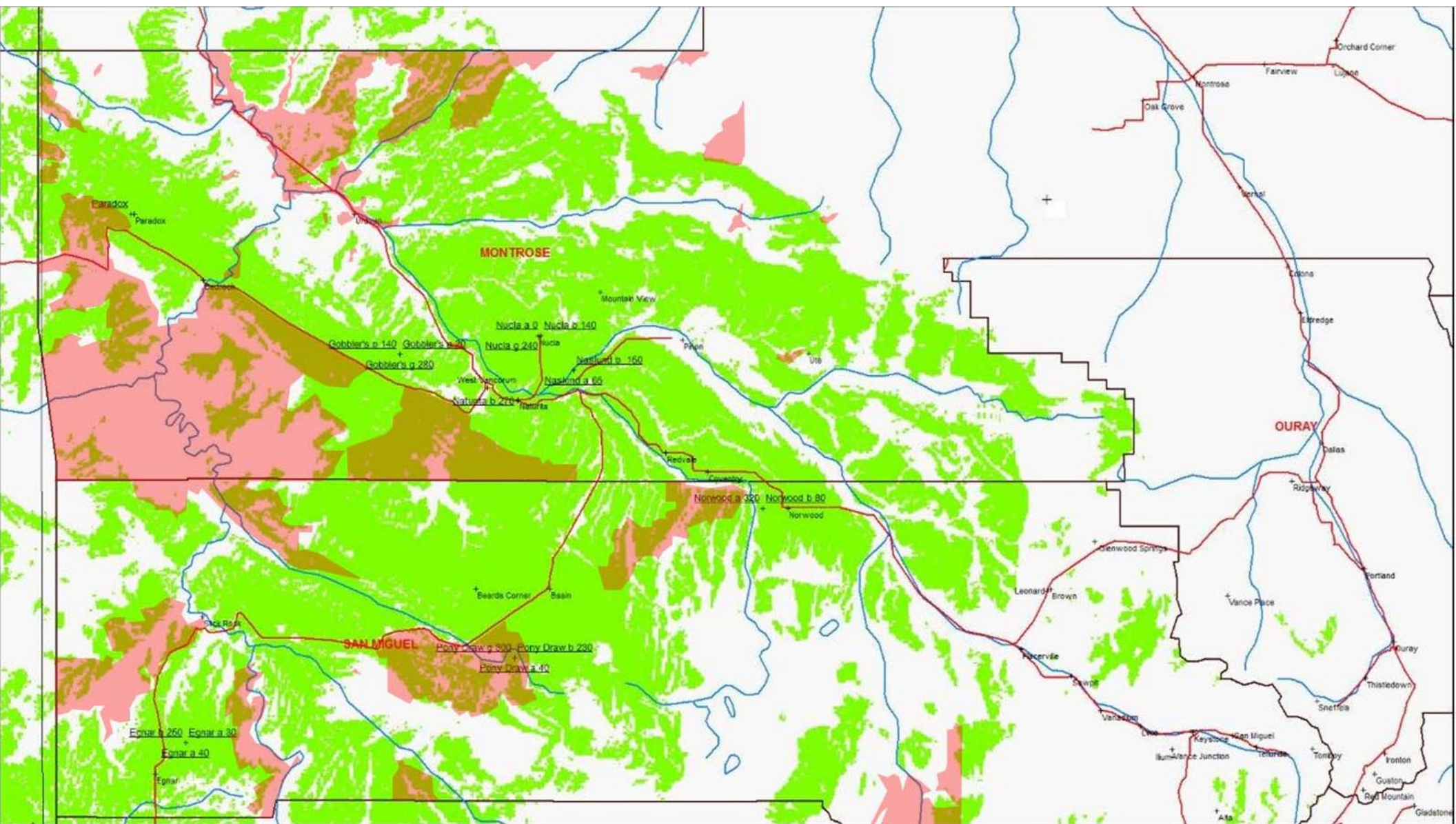
**San Miguel Co.**

[illegible]

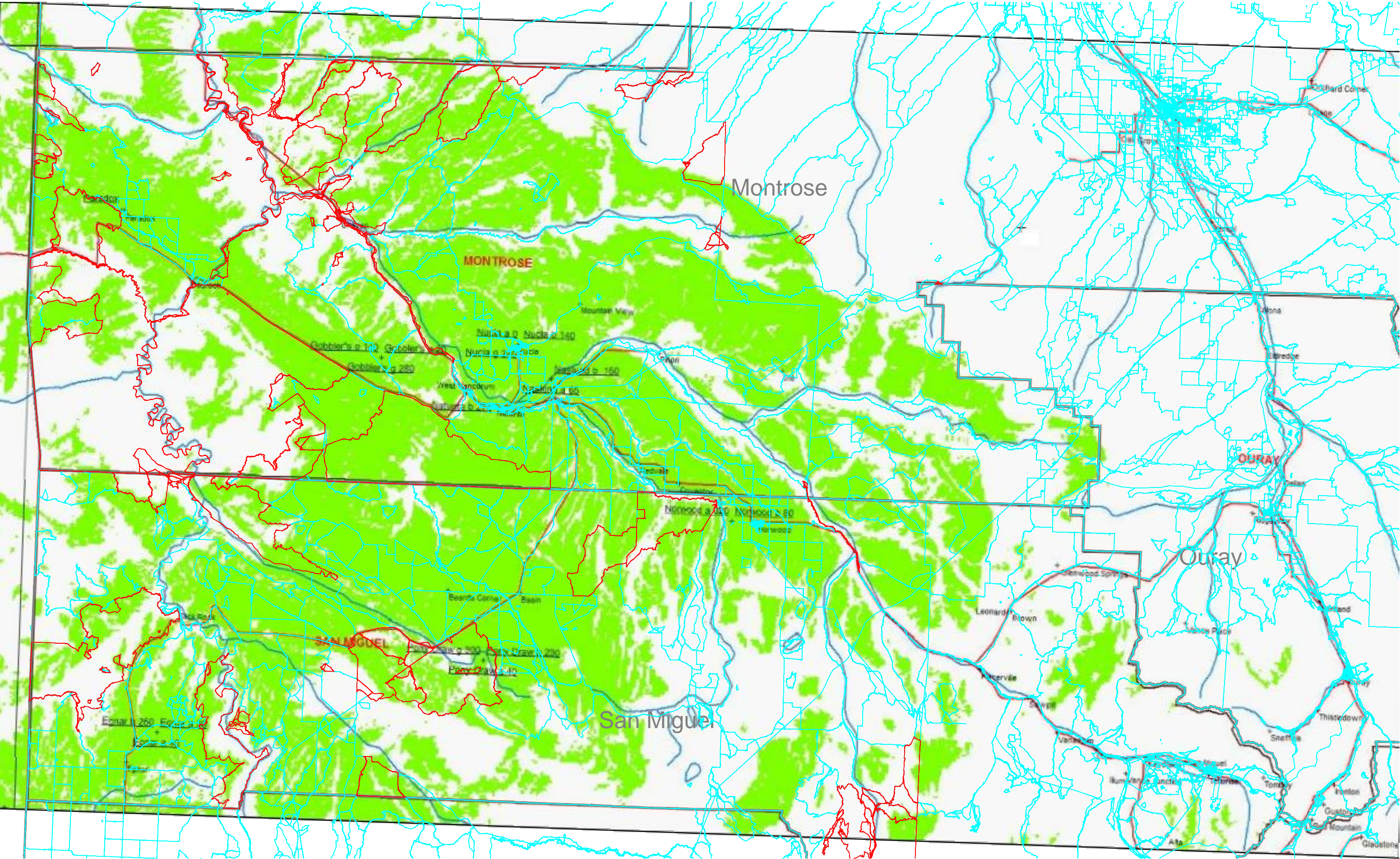
## **Attachment B**

### **NNTC Wireless EV-DO Signal Propagation Overlay with Unserved US Census blocks**











ATTACHMENT C

**STATEMENT OF MARK TOMLINSON**

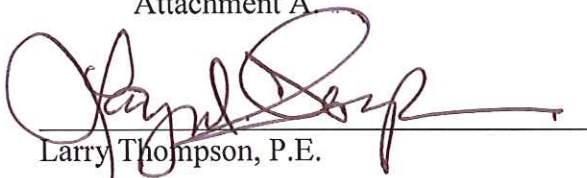
1. My name is Mark Tomlinson, and I am the President of NNTC Wireless, LLC. ("NNTC" or "the Company"), P.O. Box 520, 421 Main Street, Nucla, CO 81424.
2. NNTC leases broadband PCS spectrum from its parent company, Nucla-Naturita Telephone Company, for portions of the Grand Junction, Colorado Basic Trading Area (BTA168), licensed under Call Sign WQEB687 (areas within the western half of Montrose County, Colorado) and licensed under Call Sign WQEB688 (areas within San Miguel County, Colorado),
3. As President of NNTC, I have supervised the buildout of the Company's broadband PCS network and implementation of 3<sup>rd</sup> Generation ("3G") CDMA EV-DO air interface technology.
4. NNTC provides 3G service throughout our leased service area, as shown in the coverage map that is being submitted with NNTC's Comments on the census blocks eligible for Auction No. 901. The provision of service is evidenced by the attached advertisements, showing that the service was in operation in 2011, and features 3G data speeds.
5. NNTC's 3G system provides customers with data speeds of approximately 1 Mbps both upstream and downstream (subject to industry standard variations based on distance from tower, network usage in the vicinity, etc.). Our data speeds are well above the 200 kbps downstream and 50 kbps upstream required for 3G service by the Mobility Fund order. Therefore, the Census Blocks where our Company provides service should be excluded from eligibility for bidding in Auction No. 901.

A handwritten signature in black ink, reading "Mark Tomlinson". The signature is written in a cursive, flowing style with a large initial "M".

## ATTACHMENT D

### STATEMENT OF LARRY THOMPSON, P.E.

1. My name is Larry Thompson, and I am the CEO of Vantage Point Solutions ("VPS"), 2211 N. Minnesota St., Mitchell, SD.
2. VPS provides registered professional engineering and consulting services to over 250 rural independent telecommunications companies in the U.S., including NNTC Wireless, LLC ("NNTC").
3. I am a registered professional Engineer in the State of Colorado, License #29995.
4. VPS has overlaid a rough image of the FCC's MapBox.com 3G unserved area depiction for the Colorado counties of Montrose and San Miguel<sup>1</sup> on the signal propagation map of cdma2000 EVDO service provided by NNTC.
5. VPS further obtained the GIS data for 3G potentially eligible area from the FCC,<sup>2</sup> and has scaled the depiction and overlaid it on NNTC's EVDO signal propagation map.
6. VPS next obtained US Census block GIS data for Montrose and San Miguel Counties, and scaled and overlaid the block depictions on NNTC's EVDO signal propagation map plus the above potentially eligible area, to identify the actual census blocks included in the potentially eligible area.
7. VPS found that a number of potentially eligible census blocks in Montrose and San Miguel Counties contain significant coverage as depicted in NNTC's EVDO signal propagation map. These blocks are listed in Attachment A.

  
Larry Thompson, P.E.

Stamp:



3-16-12  
Date

<sup>1</sup> DA 12-355, March 8, 2012, MOBILITY FUND PHASE I AUCTION, GIS DATA OF POTENTIALLY ELIGIBLE CENSUS BLOCKS, AU Docket No. 12-25, para. 3: "Concurrent with the release of Auction 901 Updated Potentially Eligible Blocks Public Notice, the Bureaus announced the availability of a map of the updated potentially eligible blocks. ... The map is available at <http://wireless.fcc.gov/auctions/901/> and at <http://www.fcc.gov/maps/>."

<sup>2</sup> *Id.*, para. 4: "The data formats we make available are additional formats of the data as shown in the interactive map. These formats, which are available at <http://wireless.fcc.gov/auctions/901/>, are the following: downloadable shapefile; web mapping service; MapBox map tiles.

**Attachment E**  
**Recent NNTC Wireless Print Advertisements**

**Last Christmas we gave you Blackberry's**

**This Christmas we're giving you ANDROID for \$99.00**

**ONE OF THESE  
PHONES for \$99.00**

SAMSUNG  
GEM



+

Unlimited Text  
and Picture Text

**FOR ONLY**

**\$15.00/month**

+

Unlimited 3G

Data

SAMSUNG  
ADMIRE



**FOR ONLY**

**\$15.00/month**

+

Nationwide 500 Package

**\$49.99/MONTH**

AFTER YOU SIGN A 2YEAR CONTRACT

**This deal is all anyone wants for Christmas this year! And you can have all of this for a one time charge of \$99.00 and**

**\$79.99/month after that!**

**The price just keeps getting lower!**

**If you don't see the ANDROID you want, come in and see us to talk about ways to get this years hottest phones as Christmas gifts this year!**

**WNTC**

**421 Main St.**

**Nucla**

**Wireless**

Limited while supplies last  
Offer ends 12/23/11 **970-864-7335**



# What does your smart phone do for you???

## NNTC<sup>(www)</sup> Smart Phones Wireless

## COMPARED TO Other Companies Smart Phones

- \*Pandora (Unlimited Online Radio)
- \*FACEBOOK
- \*Google Search
- \*E-mail
- \*UP to an 8mp Camera
- \*3G Speed
- \*Hundreds of FREE Apps
- \*Online Browser
- \*Unlimited Data/Domestic Text & Picture Text for only \$29.99/month



- ~~\*Pandora (Unlimited Online Radio)~~
- ~~\*FACEBOOK with DIAL-UP like speeds~~
- ~~\*Google Search with DIAL-UP like speeds~~
- ~~\*E-mail with DIAL-UP like speeds~~
- ~~\*3G Speed 1X Speeds~~
- ~~\*Hundreds of FREE Apps (if you can download them with 1X speeds)~~
- ~~\*Online Browser with DIAL-UP like speeds~~
- ~~\*2GB for \$30.00/month~~
- ~~\*Unlimited Domestic Text for \$20.00/month~~

Having a competitors cell phone in our area is like having DIAL-UP, but NNTC can give you a smart phone with 3G!

**DECLARATION UNDER PENALTY OF PERJURY OF MARK TOMLINSON**

1. My name is Mark Tomlinson, and I am the President of NNTC Wireless, LLC.  
("NNTC" or "the Company"), P.O. Box 520, 421 Main Street, Nucla, CO 81424.
2. I hereby certify under penalty of perjury that I have reviewed the foregoing  
Comments of NNTC and my related Statement, and except for those matters of which  
the Federal Communications Commission may take official notice, or those matters  
attributed to other persons, the factual assertions set forth in the Comments and  
Statement are true and correct to the best of my knowledge.

Signed :



Mark Tomlinson

Dated: March 16, 2012